

REMARKS

On October 15, 2007, the Applicants submitted an Amendment and Response to the Final Office Action which fully responded to the Final Office Action dated July 13, 2007. Following this submission, the Applicants conducted an Interview with the Examiner on October 24, 2007. During the Interview, the Examiner stated that he had considered the Applicants' arguments but that no claims were in condition for allowance because they were anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 7,029,955 to Major et al. (hereinafter, "Major"). While the Applicants respectfully disagree with the Examiner's reasons and arguments for non-allowance, the Applicants submit additional claim amendments in this Amendment and Response for purposes of furthering this application to allowance.

The Applicants also incorporate in its entirety the Amendment and Response to the Final Office Action submitted on October 15, 2007. On October 31, 2007, the Examiner issued an Advisory Action, in which he indicated that the claim amendments from the October 15, 2007 Amendment and Response to the Final Office Action were not entered. The Applicants therefore submit the above claim amendments which include new changes and those changes previously made in the Amendment and Response to the Final Office Action. Reconsideration of the Examiner's previous objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 6, 8-18, and 26-34 have been amended. Claim 35 has been added. No claims have been cancelled. Claims 1-5 and 7 remain cancelled, and claims 19-25, previously withdrawn by the Examiner, remain cancelled.

Interview Summary

The Applicants would like to thank Examiner Patel for his time and cooperation in the telephonic interview conducted on October 24, 2007 with Applicants' representative, Elizabeth Reagan. In the interview, the following were discussed: (1) a short summary of the present invention, as embodied in the claims; (2) the differences between the present invention, as claimed, and Major; (3) the Examiner's position that the claims are anticipated by the cited reference; (4) whether the Examiner could suggest any claim amendments to move this application to allowance; and (5) whether the Examiner would consider all references submitted in the Supplemental Information Disclosure Statement filed on October 15, 2007. The Examiner

indicated that he was unable to provide any suggestions for amendments to the claims to further this application to allowance.

Objections to Drawings

As noted in the previously filed Amendment and Response to the Final Office Action (dated October 15, 2007), the Examiner's previous objection to the drawings has been withdrawn. *Office Action, Detailed Action, 7/13/2007* at 2. The Applicants thank the Examiner for withdrawing this objection.

Claim Objections

As noted in the previously filed Amendment and Response to the Final Office Action (dated October 15, 2007), claims 6, 8, and 26-34 were objected to because of informalities as follows:

Amended claim 6 mentions, 'storage medium executable by a computer and encoding', which should be --storage medium of a computer encoding-- (Note: storage medium itself cannot be executable by the computer. Claims 8, 26-34 depend upon claim 6 and include limitations of claim 6 and hence are objected).

Office Action, Detailed Action, 7/13/2007, at 2.

Claim 6 has been amended to read: "A storage medium of a computer encoding instructions" Corresponding amendments have been made to dependent claims 8 and 26-34. As noted, these amendments were made for purposes of improving form only. In light of these amendments, the Applicants respectfully request reconsideration of the objections to claims 6, 8, and 26-34.

Claim Rejections -- 35 U.S.C. § 102(e)

As noted in the previously filed Amendment and Response to the Final Office Action (dated October 15, 2007), claims 6, 8-18, and 26-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Major. The Applicants respectfully traverse these § 102(e) rejections because the Examiner has failed to state a prima facie case of anticipation. A prima facie case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. The Applicants believe that Major fails to teach each

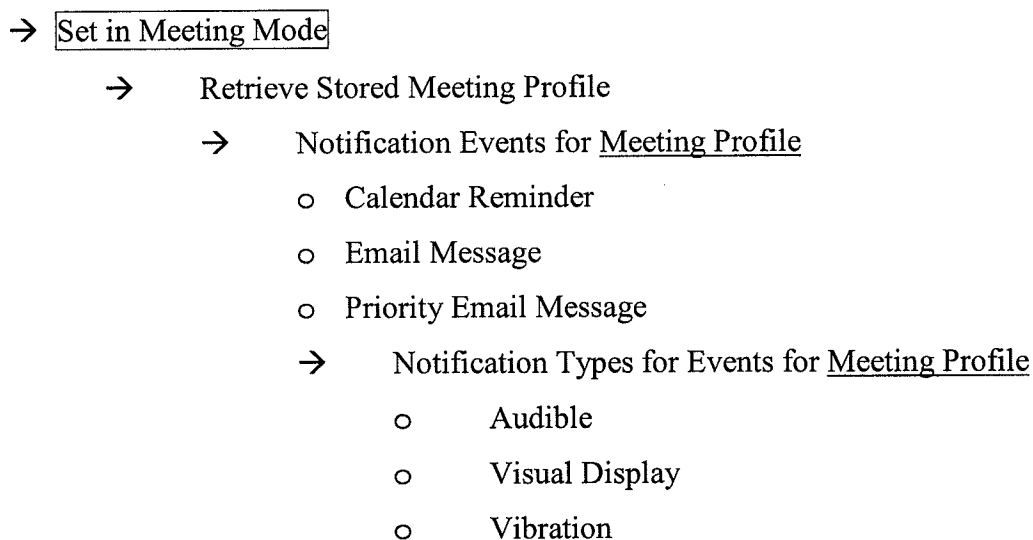
and every aspect of the invention as claimed, especially in light of the additional amendments to the claims. Accordingly, the Applicants believe that the application is now in condition for allowance and respectfully request such action.

An embodiment of the present invention, as defined in the claims, provides for the control of user notifications for different *environments* through the use of customized notification profiles. A small computer device may be set to a predetermined mode based on the user's environment, wherein a "mode" refers to a particular type of environment, or "situational environment" or "expected environment." Examples of modes include, but are not limited to, "meeting," "outside," "inside," "office," and "off." In accordance with embodiments of the present invention, a notification profile stored in the memory system of the small computer device is associated with each environmental mode. For example, a "meeting" mode may be associated with a "meeting" profile. Each profile is comprised of information relating to notification event(s) and to a corresponding notification type(s) for each notification event. Thus, the particular notification profile maintains a listing of the various notification events and the notification types, *e.g.*, vibration, sound, flashing light, displaying message, etc., associated with each event for a particular environment.

While embodiments of the present invention provide for profiles associating certain notification types with certain notification events based on the user's *environment*, or mode, Major nowhere teaches the control of notifications based on the user's environment. Major simply teaches the configuration of a redirector program for "pushing," or redirecting, certain data items to a user's mobile data communication device from a host system with no relation to the user's environment. Col. 8: 47-51. Major pushes certain data items to the user's device based on items pre-selected by the user. *Id.* Major thus involves a method and system for *filtering the types* of data items that the user wants to receive at his/her mobile device. For example, Major describes a "preferred list mode" which "causes the redirector program 12 to operate like a filter, only redirecting certain user data items based on whether the data item was sent from a sender on the preferred list or has certain message characteristics that if present will trigger or suppress redirection of the message." Col. 9: 64 - 10: 2. Accordingly, Major teaches a method and system for controlling the transmittal of data items from a host system to a mobile device. With this system and method, data items may be transmitted, suppressed altogether, or truncated so that only portions are transmitted to the user's mobile device. *See, e.g.*, col. 8: 59-

62. Embodiments of the present invention, on the other hand, are not concerned with limiting or controlling the amount or type of data actually transmitted to the user. Rather, embodiments of the present invention, as claimed, allow the data through to the user but control the way that the user is notified that the data is present based on the user's environment and the associated profile stored for the particular environmental mode which the small computer device is placed into. Major, however, provides no teaching of controlling notifications based on the user's environment. Further, there is no indication in Major to place a computer device into a certain mode, much less to place it into a mode reflecting the user's environment.

The claims of the present invention, particularly as now amended, thus provide for an "environmental notification mode." *See, e.g.*, claim 6. Further, the claim language embodies the several layers of notification embodied by the present invention and which are missing in Major. For example, in an embodiment of the present invention, the user may place the small computer device into a meeting mode (Layer 1) which draws upon the associated stored meeting profile (Layer 2) for that user which, in turn, stores the user's preferences for notification types (Layer 4) for associated notification events (Layer 3) based on the user's environment. The present invention's four-layer structure, in an embodiment as claimed, is illustrated as follows in the exemplary schematic below:



Major, on the other hand, nowhere discusses profiles based on the environment or setting the mobile device into a certain mode to reflect the environment of the user and to thus control the types of notifications received for certain notification events. Instead, Major focuses only on

the type of event and whether certain events are routed to the user's mobile device in the first instance. Major thus fails to teach the present invention's claimed higher layer of profiles/modes based on the user's environment for associating certain notification events with certain notification types. Col. 12: 25-66. Major's discussion of alert types nowhere discloses alert types based on the user's environment.

Further, while Major discloses "notification scheme(s)," col. 11: 42, these notification schemes relate not to the environment of the user but, rather, to the type of data item which the user desires to have routed to his/her mobile device. For example, Major states that "a first notification scheme may apply only to meeting requests from a certain group of individuals, while a second notification scheme may apply only to the failure of any data items transmitted from the mobile. A third notification scheme may apply to email messages from a certain sender." Col. 11: 41-48. While Major mentions "meeting requests," this is not the same as the present invention's claimed "meeting environment" where, for example, the user enters a physical meeting and selects the "meeting" mode to control the volume level, for example, of the notification events he/she receives. Major's "meeting requests" are data items in and of themselves and are not related to the user's situational or expected environment.

While the Examiner points to "usage of predetermined priority levels, regular versus very important and predetermined alert types, audible, visual, vibrate, etc assigned to the notification profiles, figure 6, col., 12, lines 25-65)" *Office Action, Detailed Action, 7/13/2007* at 4, as teaching the present invention's claimed profiles and modes, the sections cited provide no such teaching. According to embodiments of the present invention, "Profiles are created of the various events, wherein each profile relates to a different mode or situational environment, such as a meeting environment, an office or normal environment, a louder outside-type environment, etc." *Specification*, 3: 21-23. The cited sections in Major, on the other hand, nowhere teach such profiles or modes. Indeed, the Examiner's reference to Major's priority levels shows the differences, not the similarities, between Major and the present invention. Major's priority rankings control *if and/or when* the data item is transmitted from the host system to the mobile device: "[T]he user is prompted as to the priority ranking the data item must have before the alert is executed." Col. 12: 38-40. Major does not teach *how* the user is notified of a certain event based on the user's environment. The priority rankings cited by the Examiner have nothing to do with the situational or expected environment of the present invention's modes and profiles. For

example, it would not make sense to add “very important environment” to the examples of modes provided in accordance with embodiments of the present invention, e.g., “meeting environment, an office or normal environment” Accordingly, Major fails to disclose each and every aspect of claims 6 and 9 and thus fails to anticipate the present invention under § 102(e).

For at least the aforementioned reasons, the Applicants respectfully request reconsideration of the rejections to claims 6 and 9 in view of Major as these claims are believed to recite the present invention in a manner which is patentably distinguishable over Major. In addition, claims 8, 10-18, and 26-34 are also believed to be patentable over Major as these claims depend from the allowable base claims 6 and 9. Further, claim 35 is also believed to be patentable for at least the above-identified reasons, and the Applicants respectfully request consideration thereof.

Conclusion

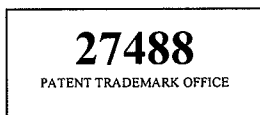
The Applicants respectfully request that the Examiner consider this Amendment and Response filed following a Request for Continued Examination. The claims of the present application may include other elements, not discussed in this Amendment and Response, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

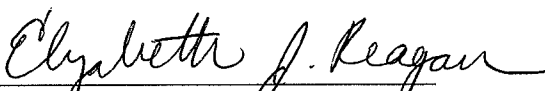
It is believed that no further fees are due with this Amendment and Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: November 12, 2007




Elizabeth J. Reagan, Reg. No. 57,528
MERCHANT & GOULD P.C.
P.O. Box 2903

Minneapolis, MN 55402-0903
303.357.1644